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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hao-Chih Chen ) Group Art No.: 2871  
Application No: 09/905,792 )  
Filed: 07/13/2001 ) Examiner: Di Grazio, Jeanne A  
For: "Backlight Unit for a Liquid ) Re: **Election**  
Crystal Display" ) Our Ref: B-4238 618932-3  
 ) Date: December 15, 2004

**ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on November 16, 2004, Applicant provisionally elects Species A (Figure 3). The Claims 1-2 and 7-11 read upon the elected Species A.

While Applicant concurs with the Examiner's finding that Species A and Species B are patentably distinct, the Applicant traverses the restriction requirement because the Examiner improperly issued the requirement. Species A and Species B are related because they each disclose a backlight unit for a liquid crystal display. According to MPEP § 808.02, a restriction of distinct, but related inventions is proper only if the inventions are classified separately, have a separate status in the art, or require different fields of search. In the present case, there is no suggestion by the Examiner that Species A and Species B are classified separately, have a separate status in the art, or require different fields of search. Because these conditions are not met and because it is believed that a search in one class would be adequate for all Species A and Species B, the restriction requirement is improper and should be withdrawn.

In addition, 35 U.S.C. § 121 authorizes, but does not require, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expenses that would be imposed upon Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary.

The traversal of the restriction requirement and the remarks regarding the traversal are being submitted without prejudice. Neither the traversal of the restriction requirement nor the remarks regarding the traversal shall be interpreted as disputing the Examiner's finding that Species A and Species B are patentably distinct.

It is submitted that the application is in condition for allowance. Allowance of the application at an early date is solicited.

\* \* \*

**Conclusion**

In view of the above, allowance of all claims is respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

December 15, 2004  
(Date of Deposit)

Corinda Humphrey  
(Name of Person Signing)

Corinda Humphrey  
(Signature)

December 15, 2004  
(Date)

Respectfully submitted,

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